



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------------|
| 10/675,508 | 09/30/2003 | Vincent J. Zimmer | 20002/17584 | 6044 |
| 34431 7590 07/30/2007 HANLEY, FLIGHT & ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606 | | | EXAMINER DOAN, TRANG T | |
| | | | ART UNIT 2131 | PAPER NUMBER |
| | | | MAIL DATE 07/30/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

5

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/675,508 | Applicant(s) ZIMMER ET AL. | |
| | Examiner Trang Doan | Art Unit 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 05/02/2007.
2. Claims 1-26 are pending for consideration.

Response to Arguments

3. Applicant's arguments filed 05/02/2007 have been fully considered but they are not persuasive.

The Applicant's arguments with respect to claims 1, 10, 18 and 25 that (a) Griffin does not describe the evaluation of the user credentials or the booting of the desired operating system upon verification of the user credentials, (b) Griffin does not describe the booting of a selected or desired operating system.

The Examiner respectfully disagrees with the Applicant's arguments. Referring to point (a), Griffin does teach the evaluation of the user credentials or the booting of the desired operating system upon verification of the user credentials (see figure 5, Abstract section, column 5 line 58-62 and column 10 line 59 through column 11 line 12: user and computing environment perform authentication process to make sure they are both trusted). Griffin does neither mention booting prior authentication process nor booting after authentication process. Therefore, the Examiner interprets Griffin teaches authentication process prior booting the computing environment. Referring to point (b), Griffin does teach the booting of a selected or desired operating system (see figure 5 and column 10 lines 25-31 and lines 43-52).

The Examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The Examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the Examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims 1, 10, 18 and 25 and in subsequent dependent Claims. Accordingly, rejections for claims 1-26 are respectfully maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5-10, 14-18 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffin et al (US 7076655) (hereinafter Griffin).

6. Regarding claim 1, Griffin teaches method of booting a processor system, the method comprising: accepting a selection of a desired operating system to be booted (Griffin: see figure 1, column 5 lines 56-67 and column 10 lines [25-31 and 43-45]: a computing platform has a plurality of discrete computing environments); accepting a

Art Unit: 2131

user credential associated with a user who has selected the desired operating system to be booted (Griffin: column 5 lines 42-50, column 10 lines [1-10, 43-45 and 53-58] and column 12 lines 12-22); determining if the user credential corresponds to the desired operating system to be booted (Griffin: see figure 7, column 10 lines 43-52 and column 11 lines 33-36); and enabling booting of the desired operating system if the user credential corresponds to the desired operating system (Griffin: column 12 lines 45-54 and column 14 lines 39-67).

7. Regarding claims 5, 14 and 22, Griffin teaches wherein the user credential comprises one or more of a salted password, a portable token, and biometric information (Griffin: column 5 lines 42-50 and column 10 lines 1-15).

8. Regarding claims 6, 15 and 23, Griffin teaches wherein determining if the user credential corresponds to the desired operating system to be booted comprises determining if the user credential corresponds to a credential from a platform owner (Griffin: column 11 lines 33-36 and column 16 lines [14-22 and 45-54]).

9. Regarding claims 7, 16 and 24, Griffin teaches determining if a trusted boot is disabled and booting the desired operating system if the trusted boot is disabled even if the user credential does not correspond to the desired operating system (Griffin: column 5 lines 9-25).

10. Regarding claim 8, Griffin teaches enabling a platform owner to modify a list of user credentials and the desired operating systems to which they correspond (Griffin: column 8 lines 47-53 and column 9 lines 7-18).

Art Unit: 2131

11. Regarding claims 9, 17, Griffin teaches determining if a platform owner has been established and enabling a user to enter a platform owner credential if no platform owner has been established (Griffin: column 10 lines 59-67 and column 11 lines 1-12 and column 13 lines 43-65).
12. Regarding claim 10, this claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.
13. Regarding claim 18, this claim implements claim 1 and this it is rejected with the same rationale applied against claim 1.
14. Regarding claim 25, Griffin teaches an apparatus to control selection of operating system booting the apparatus comprising: a permissions table storing user credentials and boot objects corresponding to the user credentials (Griffin: see figure 3, column 8 lines 34-46 and column 11 lines 1-12); and a user verification segment coupled to the permissions table and accepting a selection of a desired operating system to be booted and further accepting a submitted user credential associated with a user who has selected the desired operating system to be booted, the user verification segment determining if the submitted user credential is authorized to boot the desired operating system (Griffin: column 5 lines 42-50, column 10 lines [1-10, 43-45 and 53-58] and column 12 lines 12-22).
15. Regarding claim 26, Griffin teaches wherein the user verification segment returns an address of the desired operating system if the submitted user credential is authorized to boot the desired operating system (Griffin: column 12 lines 45-54 and column 14 lines 39-67).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2-4, 11-13 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin in view of Fish et al. (US 2003/0110370) (hereinafter Fish).

18. Regarding claims 2, 11 and 19, Griffin does not explicitly disclose a legacy operating system. Fish teaches determining if the desired operating system comprises a legacy operating system (Fish: paragraphs [0007, 0013 and 0015]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the legacy operating system of Fish into Griffin's system to use application program interface in which software that uses firmware routines is dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

19. Regarding claims 3, 12 and 20, Griffin does not explicitly disclose a legacy operating system. Fish teaches wherein if the desired operating system comprises a legacy operating system, a basic input/output system (BIOS) boot specification

Art Unit: 2131

determines a boot object for the desired operating system (Fish: paragraphs [0007, 0013, 0015 and 0043]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the legacy operating system of Fish into Griffin's system to use application program interface in which software that uses firmware routines is dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

20. Regarding claims 4, 13 and 21, Griffin does not explicitly disclose a non-legacy operating system. Fish teaches wherein if the desired operating system does not comprise a legacy operating system, a boot next variable option boot object indicates a location of the desired operating system (Fish: paragraphs [0016, 0019 and 0033]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the non-legacy operating system of Fish into Griffin's system to use an API in which software that uses firmware routines is not dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2131

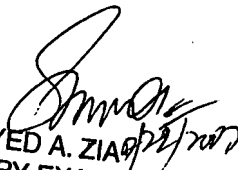
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang Doan whose telephone number is (571) 272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trang Doan
Examiner
Art Unit 2131

T.D.


SYED A. ZIA
PRIMARY EXAMINER